

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SEAN RAMSEY,

Petitioner,

Case No. 5:10-cv-14752

Hon. John Corbett O'Meara

v.

GREG MCQUIGGAN,

Respondent.

ORDER DENYING MOTION FOR RELIEF FROM JUDGMENT [Dkt. 34]

This is a habeas corpus action brought by a state prisoner pursuant to 28 U.S.C. § 2254. The Court denied the petition on February 11, 2014, and the United States Court of Appeals for the Sixth Circuit declined to hear the case when it denied Petitioner a certificate of appealability. *Ramsey v. McGuiggan*, No. 14-1289 (6th Cir. July 31, 2014).

Petitioner has filed a motion relief from judgment under Fed. R. Civ. P. 60(b)(4). In his motion, Petitioner claims that this Court did not have subject-matter jurisdiction to adjudicate his habeas petition because his conviction was the result of a void state court judgment.

Fed. R. Civ. P. 60(b)(4) allows a court may relieve a party from a final judgment, order, or proceeding because the judgment is void. A judgment is considered void, for purposes of 60(b)(4), if the court that rendered the judgment

lacked jurisdiction over the subject matter or over the parties, or if the court acted in a manner that was inconsistent with due process of law. *Antoine v. Atlas Turner, Inc.*, 66 F. 3d 105, 108 (6th Cir. 1995)(quoting *In Re Edwards*, 962 F. 2d 641, 644 (7th Cir. 1992)).

Even assuming that Petitioner's state court judgment was somehow void, that fact did not deprive this Court of subject matter jurisdiction to adjudicate his habeas petition. Whether the underlying judgment is void or not, this Court had jurisdiction over the habeas petition under 28 U.S.C. §2254 because Petitioner is in State custody pursuant to a judgment of conviction of a state court. See §2254(a). Petitioner's motion for relief from judgment is therefore denied.

Based on the foregoing, the Court **DENIES** Petitioner's motion for relief from judgment.

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: August 25, 2016

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, August 25, 2016, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager